

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**O.P. Murphy Produce Company, Inc., A  
Texas Corporation,

Complainant,

vs.

Union Pacific Railroad Company,

Defendant.

Case 12-12-006  
(Filed December 14, 2012)**ORDER EXTENDING STATUTORY DEADLINE****Summary**

This decision extends the statutory deadline in this proceeding to March 14, 2014.

**Background**

Public Utilities Code Section 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of the date that they are initiated unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. This matter has been categorized as adjudicatory, and the 12-month deadline for resolving this proceeding is December 14, 2013.

On December 14, 2012, O.P. Murphy Produce Company, Inc. (O.P. Murphy), filed complaint Case (C.) 12-12-006 against Union Pacific Railroad Company (UP), for the proposed closure of O.P. Murphy Crossing that provides

access to O.P. Murphy processing plant. In the complaint, O.P. Murphy is seeking the Commission's intervention to prevent UP from taking any action.

A Prehearing Conference was held on February 6, 2013. Evidentiary Hearings were not held in this proceeding. Instead, on March 5, 2013, the matter was referred to an Alternative Dispute Resolution Administrative Law Judge (ALJ). On March 14, 2013, the assigned ALJ to the proceeding formalized an e-mailed ruling authorizing the closure of O.P. Murphy Crossing, due to the unsafe condition of the crossing and the Alternative Dispute Resolution negotiations that were under consideration. The ruling set June 1, 2013, as the date to provide an alternate access.

On June 26, 2013, O.P. Murphy filed a Joint Motion for Approval of Settlement and Request for Expedited Consideration. The assigned ALJ is diligently considering the terms of the settlement and is preparing a proposed decision (PD) to resolve the complaint case. The PD is expected to be placed on the Commission's Agenda in early 2014. Therefore, an extension of the statutory deadline to March 14, 2014, is reasonable to allow the Commission time to deliberate on the PD.

### **Waiver of Comment Period**

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, the otherwise applicable period for public review is being waived.

### **Assignment of Proceeding**

Michel Peter Florio is the assigned Commissioner and Linda Rochester is the assigned ALJ in this proceeding.

**Findings of Fact**

1. The complaint Case 12-12-006 was initiated on December 14, 2012.
2. Based upon the statutory deadline, this proceeding must be resolved within 12 months of its initiation, unless this date is extended.
3. An extension of the 12-month deadline is necessary to allow the Commission time to deliberate on the PD.

**Conclusions of Law**

1. The 12-month statutory deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until March 14, 2014.
2. This matter should be effective immediately.

**IT IS ORDERED** that the 12-month statutory deadline in this proceeding is extended until March 14, 2014.

This order is effective immediately.

Dated \_\_\_\_\_, at San Francisco, California.